

Falcon Estates HOA
Monthly FEHOA Board Meeting Minutes

Date of Meeting: January 10, 2021
Time of Meeting: 6:00 P.M.
Location of Meeting: Murphy Residence
1203 Burglind RD
Colorado Springs, Colorado 80920

Present at Meeting: Jim Torley
Kelly Gengler
Laura Fraser
Lynn Murphy
Dave Draves
Tim Fishel

- I. **Call to Order** The meeting was called to order at 6:00pm by Jim Torley and seconded by Laura Fraser
- II. **Approval of the Minutes** Minutes of the December 2021 board meeting were read by Kelly Gengler and a motion to approve made by Jim Torley and seconded by Laura Fraser. Approved
- III. **Current Financial Status** Presented by Tim Fishel
A motion to approve was made by Kelly Gengler, seconded by Lynn Murphy.
Approved
- IV. **New Business**
 - A. Reach out to CONO to inquire if there will be any fiduciary support for future dumpster fees.
 - B. Tony Phelps reached out to the board with concerns about a shared fence that blew down during the wind storm. The board stated that we do not have any community fences and that fence responsibility falls on the individual property owners and their property insurance.

ACTION: Tony Phelps must find out who's property the fence line is on and work it out with that individual neighbor.

- V. **Old Business**
 - A. Smoker issue. The Tenant continues to operate his smoker. Janice at Red Oak reached out to Mark Andrew seeking permission to send his information and photos on to the health department.

- B. VERBO 7237 Whitley is listed for sale and advertising that it is a VERBO
Conclusion: There is nothing the HOA can do. This is the response from Red Oak: As I originally covered with Jim and Lynn, when they first contacted me on this subject some years ago, I don't see that your gov docs are strong enough to prohibit short-term-rentals, which can easily be considered a residential use.

In addition, it appears to me that the validity of your *Declaration of Protective Covenants* could easily be questioned. The first line (heading) says FALCON ESTATES COMPANY, which is not the same as the HOAFE.

Secondly, the CONSTITUTION AND BYLAWS, as modified January 13, 2000, could possibly have replaced any prior Covenants. And I don't even know if it, or any of your other governing documents, have been recorded with the county.

These are the only points I see that come close but I don't see that they are anywhere near strong enough to prohibit short-term-rentals:

1. LAND USE, BUILDING TYPE AND OCCUPANCY. The land contained herein shall be used for residential purposes.

8. COMMERCIAL ENTERPRISES. No manufacturing or commercial enterprises shall be conducted or maintained upon, in front of, or in connection with any lot or lots, nor shall said lot or lots in any way be used for other than strictly residential purposes; except, that professional offices may be maintained within the main dwelling upon specific approval by the Architectural Control Committee in each case.

- C. Pearl and Stark vs Bianci

1115 Cragin Rd was replatted May 23, 1995. The replat name: Falcon Estates Filing NO.4, Subdivision NO. 1 Replat

Conclusion: The FEHOA does not have any jurisdiction over said property.

The meeting was adjourned at 7:04 PM. The motion to adjourn was made by Dave Draves and seconded by Jim Torley

The next meeting is February 15, 2022 at 6:00PM